

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STATE OF MARYLAND,
DEPARTMENT OF THE ENVIRONMENT

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,

Defendants.

No. RDB 09-cv-1208

**STIPULATED MOTION TO
AMEND THE SUMMARY JUDGMENT BRIEFING SCHEDULE**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and this Court’s March 15, 2010 Amended Scheduling Order (“Order”) (Dkt. #25), the parties, Federal Defendants, the United States Department of Commerce and Gary Locke, acting in his official capacity as Secretary of Commerce, Plaintiff, State of Maryland, Department of the Environment, and Defendant-Intervenors, AES Sparrows Point LNG, LLC and Mid-Atlantic Express, L.L.C., hereby submit this Stipulated Motion to Amend the Summary Judgment Briefing Schedule.

On March 12, 2010, the parties filed a Stipulated Motion to Amend the Summary Judgment Briefing Schedule (Dkt. #24) in order to allow the Defendant-Intervenors time to work toward a resolution of outstanding permitting issues with the Plaintiff which could obviate the need for the instant appeal. On March 15, 2010, this Court entered its Order (Dkt. #25) providing for the resumption of briefing on July 23, 2010.

Since the time that the Court entered its Order, Defendant-Intervenors have sought to work toward a resolution of outstanding permitting issues with the Plaintiff. However, it has taken longer than originally anticipated for Defendant-Intervenors to resolve these permitting

issues because of scheduling conflicts with subject matter experts and the amount of time necessary for data gathering by the appropriate scientists. In order to allow the Defendant-Intervenors sufficient time to resolve these issues, attorneys for the Defendant-Intervenors have conferred with counsel for the Plaintiff and Federal Defendants who have agreed to seek a further extension of the summary judgment briefing schedule. To try to avoid undue conflict with the holiday season, the parties propose the following revised schedule for summary judgment briefing:

January 14, 2011	Defendant's Response and Cross-Motion Due
February 25, 2011	Plaintiff's Response to Cross-Motion and Reply Due
March 25, 2011	Defendant's Reply Due

Hearing on the motions is currently scheduled for Friday, November 19, 2010, at 10:00 a.m. The parties understand that the Court will change the hearing to a time suitable for its schedule. Based on the foregoing, the parties respectfully request that their stipulated motion to amend the summary judgment briefing schedule be granted and that the Court enter the attached Proposed Amended Scheduling Order.

Respectfully submitted this 1st day of July, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2010, a copy of the Stipulated Motion to Amend the Summary Judgment Briefing Schedule was electronically filed with the Court and served via the ECF system to all counsel of record appearing in the ECF system.

/s/ Jessica A. Fore
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